

PATENT COOPERATION TREATY PCT/PTO 16 JUN 2005

From the INTERNATIONAL SEARCHING AUTHORITY

**PCT**NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT  
OR THE DECLARATION

(PCT Rule 44.1)

To:

SMART & BIGGAR  
Attn. Schwartz, David E.  
P.O. Box 2999, Station D  
900-55 Metcalfe Street  
Ottawa, Ontario K1P 5Y6  
CANADA

Date of mailing  
(day/month/year)

03/05/2004

Applicant's or agent's file reference

72154-53

**FOR FURTHER ACTION**

See paragraphs 1 and 4 below

International application No.

PCT/CA 03/01943

International filing date  
(day/month/year)

16/12/2003

Applicant

CHX TECHNOLOGIES, INC.

1. ☒ The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

**Where?** Directly to the International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland  
Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Further action(s):** The applicant is reminded of the following:

Shortly after **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within **19 months** from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within **20 months** from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Dominique Hundt

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/CA 03/01943**Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)**

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 18  
because they relate to subject matter not required to be searched by this Authority, namely:  
Although claim 18 is directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☐ Claims Nos.:  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

**Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)**

This International Searching Authority found multiple inventions in this International application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

**Remark on Protest**

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

## INTERNATIONAL SEARCH REPORT

 International Application No  
 PCT/CA 03/01943-

 A. CLASSIFICATION OF SUBJECT MATTER  
 IPC 7 A61K6/00 A61K9/00

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

 Minimum documentation searched (classification system followed by classification symbols)  
 IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 1 112 750 A (SATO PHARMA ; SUNTORY LTD (JP)) 4 July 2001 (2001-07-04) paragraphs '0017! - '0019!, '0026!, '0031!, '0038! - '0041! tables 1,4,7	1-13, 15-18
X	US 5 330 746 A (SINTOV AMNON ET AL) 19 July 1994 (1994-07-19) cited in the application the whole document	1-5
Y		12-18
X	US 2001/024657 A1 (ROSENBERGER VERED ET AL) 27 September 2001 (2001-09-27) cited in the application paragraphs '0066!, '0073!, '0079!, '0093!, '0123!, '0130!, '0191! ----- -/--	1-18

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

## ° Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*G\* document member of the same patent family

Date of the actual completion of the international search

8 April 2004

Date of mailing of the international search report

03/05/2004

Name and mailing address of the ISA

 European Patent Office, P.B. 5818 Patentlaan 2  
 NL - 2280 HV Rijswijk  
 Tel (+31-70) 340-2040, Tx 31 651 epo nl,  
 Fax (+31-70) 340-3016

Authorized officer

Paloniemi Legland, R

## INTERNATIONAL SEARCH REPORT

Patent Application No  
PCT/CA 03/01943

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 02/09675 A (MACRAE ROSS JAMES ;PFIZER LTD (GB); WALTHER MATHIAS (GB); RASPIDE) 7 February 2002 (2002-02-07) page 6, line 24 - page 7, line 17 page 11, line 27 - line 33 page 13, line 5 - line 11 page 13, line 31 - page 14, line 4 claims 1,15,19	1-11
Y		12-18
Y	US 4 883 534 A (SANDHAM H J ET AL) 28 November 1989 (1989-11-28) cited in the application column 3, line 2 - line 26 column 4, line 26 - line 39 column 5, line 1 - line 26 claim 7	12-18
X	WO 01/82897 A (BETAGERI GURU ;ENZREL INC (US); YATVIN MILTON B (US)) 8 November 2001 (2001-11-08) page 13, line 11 - line 13 claims 1-14	1-11
X	LIN S-Y ET AL: "Organic esters of plasticizers affecting the water absorption, adhesive property, glass transition temperature and plasticizer permanence of Eudragit acrylic films" JOURNAL OF CONTROLLED RELEASE, ELSEVIER SCIENCE PUBLISHERS B.V. AMSTERDAM, NL, vol. 68, no. 3, 3 September 2000 (2000-09-03), pages 343-350, XP004208505 ISSN: 0168-3659 the whole document	1-11
X	AMIGHI K ET AL: "INFLUENCE OF PLASTICIZER CONCENTRATION AND STORAGE CONDITIONS ON THE DRUG RELEASE RATE FROM EUDRAGIT RS30D FILM-COATED SUSTAINED-RELEASE THEOPHYLLINE PELLETS" EUROPEAN JOURNAL OF PHARMACEUTICS AND BIOPHARMACEUTICS, ELSEVIER SCIENCE PUBLISHERS B.V., AMSTERDAM, NL, vol. 42, no. 1, 1996, pages 29-35, XP000555020 ISSN: 0939-6411 the whole document	1-11
A	DE 41 25 048 A (ALBRECHT PEGGY) 4 February 1993 (1993-02-04)	

INTERNATIONAL SEARCH REPORT  
Information on patent family members

Int. Patent Application No.

PCT/CA 03/01943

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 1112750	A	04-07-2001	EP 1112750 A1	04-07-2001
			CN 1320046 T	31-10-2001
			WO 0103742 A1	18-01-2001
US 5330746	A	19-07-1994	AT 222505 T	15-09-2002
			AU 631655 B2	03-12-1992
			AU 5766790 A	17-01-1991
			CA 2019410 A1	21-12-1990
			DE 69033994 D1	26-09-2002
			DE 69033994 T2	06-11-2003
			EP 0404558 A1	27-12-1990
			IL 94749 A	24-01-1995
			JP 3128316 A	31-05-1991
			US 5438076 A	01-08-1995
			US 5648399 A	15-07-1997
			US 5639795 A	17-06-1997
			US 5160737 A	03-11-1992
			AT 105170 T	15-05-1994
			DE 69008555 D1	09-06-1994
			DE 69008555 T2	18-08-1994
			EP 0381445 A2	08-08-1990
			US 5849266 A	15-12-1998
			US 5139768 A	18-08-1992
			US 5403577 A	04-04-1995
US 2001024657	A1	27-09-2001	US 6197331 B1	06-03-2001
WO 0209675	A	07-02-2002	AU 7093201 A	13-02-2002
			BG 107361 A	30-06-2003
			BR 0112839 A	24-06-2003
			CA 2417887 A1	07-02-2002
			CZ 20030241 A3	18-02-2004
			EP 1365748 A2	03-12-2003
			HR 20030036 A1	30-04-2003
			HU 0301453 A2	28-08-2003
			WO 0209675 A1	07-02-2002
			JP 2004505034 T	19-02-2004
			NO 20030498 A	31-01-2003
			US 2002034545 A1	21-03-2002
US 4883534	A	28-11-1989	US 4496322 A	29-01-1985
			AT 60218 T	15-02-1991
			DE 3483979 D1	28-02-1991
			EP 0128655 A2	19-12-1984
			JP 60004123 A	10-01-1985
WO 0182897	A	08-11-2001	AU 6110801 A	12-11-2001
			CA 2407210 A1	08-11-2001
			EP 1280518 A2	05-02-2003
			JP 2003534252 T	18-11-2003
			WO 0182897 A2	08-11-2001
DE 4125048	A	04-02-1993	DE 4125048 A1	04-02-1993